JASON R. GETTINGER (JG-5895)
Local Counsel for Plaintiff
SECURITIES AND EXCHANGE COMMISSION
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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

07-CIV-8394-GBD

VS.

GREGG ASHLEY SMITH and ELLIOT JOEL SMITH,

Defendants.

NOTICE OF FILING OF RETURNS OF SERVICE

PLEASE TAKE NOTICE that Plaintiff Securities and Exchange

Commission filed Returns of Service with the U.S. District Court for the Southern

District of New York for the following:

Gregg Ashley Smith c/o Michael J. Missal, Esq. Kirkpatrick Lockhart Nicholson Graham LLP 1601 K Street, N. W. Washington, DC 20006

and

Elliot Joel Smith c/o Seth Levine Foley & Lardner LLP 90 Park Avenue New York, NY 10016

October 4, 2007

Respectfully submitted,

/s/ Stephen E. Donahue Stephen E. Donahue (SD-5100) William P. Hicks (not admitted in SDNY) Mark Eric Harrison (not admitted in SDNY)

Attorneys for Plaintiff SECURITIES AND EXCHANGE **COMMISSION** Atlanta Regional Office 3475 Lenox Road, N. E., Suite 500 Atlanta, Georgia 30326-1232 Tel. (404) 842-7675

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been uploaded this 4th day of October, 2007, to the Court's CM/ECF system.

A copy of this Notice will be sent by U. S. mail to the following:

Michael J. Missal, Esq. Kilpatrick Lockhart Nicholson Graham LLP 1601 K St., N. W. Washington, DC 20006

Seth Levine, Esq. Foley & Lardner LLP 90 Park Avenue New York, NY 10016

This 4th day of October, 2007.

/s/ Stephen E. Donahue Stephen E. Donahue Counsel for Plaintiff